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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/822,033	03/24/1997	WAYNE A. MARASCO	43471-FWC	5884

7590

06/30/2003

Ronald I. Eisenstein
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110

EXAMINER

WOITACH, JOSEPH T

ART UNIT

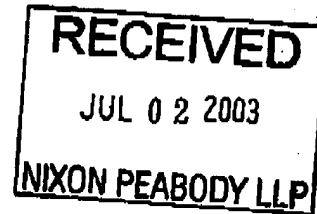
PAPER NUMBER

1632

50

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.





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Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 6-13-03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☒ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: _____

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[Signed by Team Leader]

Team Leader
[Signature]

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflver.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>

March 26, 2003

Received from < 617 345 1300 > at 7/18/03 3:15:08 PM [Eastern Daylight Time]

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0851-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	08/822,033
Filing Date	March 24, 1997
First Named Inventor	Wayne A. Marasco, et al.
Art Unit	1632
Examiner Name	J. Woitach
Attorney Docket Number	43471 RCE2

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Transmission (1 pg.); Copy of Notice of Non-Compliant Amendment (Voluntary Revised Practice (2 pp.))
Remarks The Commissioner is authorized to charge any fees necessary to the NIXON PEABODY LLP Deposit Account No. 50-0850.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ronald I. Eisenstein, Reg. No. 30,628 Nicole L. M. Valtz, Reg. No. 47,150 NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	<i>[Handwritten Signature]</i>
Date	July 18, 2003

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Typed or printed name	Karen L. Corey		
Signature	<i>[Handwritten Signature]</i>	Date	July 18, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent**Attorney Docket No. 43471 RCE2****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Wayne A. Marasco, et al.

Serial No.: 08/822,033

Group No: 1632

Filed: March 24, 1997

Examiner: J. Woitach

Title: NUCLEIC ACID DELIVERY SYSTEM, METHOD OF SYNTHESIS
AND USES THEREOFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF FACSIMILE/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)**

I hereby certify that this correspondence:

1. Certificate of Facsimile Transmission (1 pg.);
2. Transmittal Form (1 pg.);
3. Copy of Notice of Non-Compliant Amendment (Voluntary Revised Practice) (2 pp.); and
4. Response to Notice of Non-Compliant Amendment (5 pp.).

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Date: July 18, 2003
Signature

Karen L. Corey

(type or print name of person certifying)

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From: Nicole L. M. Valtz	Date: July 18, 2003	No. of Pages: (including this page) 10	Client/Matter: 700157-043471 RCE2
Comments: Re: Serial No. 08/822,033 Applicant: Wayne A. Marasco, et al. Atty. Docket No. 43471 RCE2			

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